

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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FAMIAN CORNADO,

Plaintiff,

vs

6:09-CV-1202

NYPD; JOHN DOE, Badge # 1320, Officer,  
23<sup>rd</sup> PCT.; CHARLES BROWN, # 949, Police  
Officer; and TEREL ANDERSON, # 03814

Defendants.

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APPEARANCES:

FAMIAN CORNADO  
Plaintiff, pro se  
07-R-2873  
Mohawk Correctional Facility  
P.O. Box 8451  
Rome, NY 13440

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff, Famian Cornado, commenced this civil rights action in October 2009, pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated December 7, 2009, the Honorable George H. Lowe, United States Magistrate Judge, recommended that plaintiff file an amended complaint within thirty days of the filing date of any order adopting the Report and Recommendation; that if plaintiff fails to timely file an amended complaint, the Clerk shall enter judgment dismissing this case without prejudice without further order of the court; and that upon the filing of an amended complaint, the file be returned for further review. Plaintiff filed a document which has been construed as an objection to the Report and


Recommendation. It noted that the plaintiff has already filed an amended complaint as recommended in the Report-Recommendation.

Based upon a careful review of the file, including plaintiff's objections, and the recommendations of Magistrate Judge Lowe, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

Accordingly, in light of the fact that plaintiff has filed an amended complaint, it is ORDERED that the file shall be returned to the Magistrate Judge for review of the amended complaint, and any further procedures deemed appropriate by the Magistrate Judge.

IT IS SO ORDERED.

Dated: January 25, 2010  
Utica, New York.

  
United States District Judge